

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In Re: Heartland Payment  
Systems, Inc. Customer Data  
Security Breach Litigation

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MDL No. H-09-2046

This filing relates to:

FINANCIAL INSTITUTION  
TRACK LITIGATION

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**ORDER PURSUANT TO FED. R. CIV. P. 54(B)**

By a Memorandum and Opinion dated December 1, 2011 (the “Dismissal Order”)<sup>1</sup>, the Court ordered dismissal of the Amended Complaint<sup>2</sup> in regard to (i) all claims of Plaintiffs Amalgamated Bank, Matadors Community Credit Union, Lone Star National Bank, N.A., Elevations Credit Union, First Bankers Trust Company, National Association, O Bee Credit Union, Seaboard Federal Credit Union, and Pennsylvania State Employees Credit Union and (ii) the claims for breach of contract and implied contract, negligence and negligence per se, and negligent and intentional misrepresentation of the sole remaining Plaintiff, PBC Credit Union (collectively, the “Dismissed Claims”). Pursuant to Federal Rule of Civil Procedure 54(b), the Court hereby finds that, for the reasons set forth in the Memorandum in Support of Joint Motion for Entry of Final Judgment Regarding Memorandum and Opinion Dated December 1, 2011 Pursuant to Fed. R. Civ. P. 54(b),<sup>3</sup> (1) the Dismissal Order is final as to each of the Dismissed Claims, and (2) there is no just reason for delaying entry of final judgment on the Dismissed

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<sup>1</sup> (Docket Entry No. 136).

<sup>2</sup> (Docket Entry No. 32).

<sup>3</sup> (Docket Entry No. 184-1).

Claims. Based on the foregoing it is hereby ORDERED:

1. The parties' Joint Motion for Entry of Final Judgment Regarding Memorandum and Opinion Dated December 1, 2011 Pursuant to Fed. R. Civ. P. 54(b)<sup>4</sup> is granted.
2. The Clerk of Court shall enter final judgment dismissing the Dismissed Claims with prejudice.
3. The Clerk of Court shall enter final judgment dismissing with prejudice all claims in the actions listed in Exhibit 1 hereto.
4. The Clerk of Court shall enter final judgment dismissing with prejudice all claims in the actions listed in Exhibit 2 hereto with the exception of claims of Gulf Winds Federal Credit Union, MidFlorida Credit Union, and PBC Credit Union under the Florida Unfair and Deceptive Trade Practices Act as set forth in Counts VIII and X of the Amended Complaint.<sup>5</sup>

SIGNED on August 16, 2012, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge

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<sup>4</sup> (Docket Entry No. 184).

<sup>5</sup> (Docket Entry No. 32).